

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

JOHN RALSTON, JR.,	:	
Plaintiff	:	
v.	:	Case No. 3:10-cv-8-KRG-KAP
JEFFREY A. BEARD, <u>et al.</u> ,	:	
Defendants	:	

MEMORANDUM ORDER

Plaintiff's Motion for New Trial, docket no. 71, was referred to Magistrate Judge Keith A. Pesto in accordance with 28 U.S.C. § 636(b)(3) and Local Rule 72 for Magistrate Judges as a motion for reconsideration under Fed.R.Civ.P. 59.

The Magistrate Judge filed a Report and Recommendation on January 13, 2013, docket no. 72, recommending that the motion be denied. The parties were notified at their last address that pursuant to 28 U.S.C. § 636(b)(1) they had fourteen days to serve and file written objections to the Report and Recommendation. No objections have been filed and the time to do so has expired, but it is not clear whether the Report and Recommendation ever reached plaintiff. See docket no. 73. I therefore have reviewed the motion de novo without reference to the Report and Recommendation.

Upon de novo review of the record of this matter, the following order is entered:

AND NOW, this 9<sup>th</sup> day of September 2013, it is  
ORDERED that the Motion for New Trial, docket no. 71, is  
denied.

BY THE COURT:

A handwritten signature in black ink, appearing to read "Kim R. Gibson", written over a horizontal line.

KIM R. GIBSON,  
UNITED STATES DISTRICT JUDGE

Notice to counsel of record by ECF and by U.S. Mail to:

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